

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------------------|---|----------------------|
| JEFFREY D. CULP, |) | |
| |) | |
| Plaintiff, |) | 4:08CV3197 |
| |) | |
| v. |) | |
| |) | |
| ARCHER-DANIELS-MIDLAND |) | MEMORANDUM AND ORDER |
| COMPANY, a Delaware |) | |
| Corporation, JACOBS FIELD |) | |
| SERVICES NORTH AMERICA, |) | |
| INC., a Texas Corporation, |) | |
| STAINLESS FABRICATION, INC., |) | |
| a Missouri Corporation, and FAGEN, |) | |
| INC., a Minnesota Corporation, |) | |
| |) | |
| Defendants. |) | |

Defendant Archer-Daniels-Midland Company has moved to amend its answer to add cross claims against defendant Jacobs Field Services North American Inc. Filing No. [81](#). The deadline for filing any opposition to Archer-Daniels-Midland's motion has expired. The co-defendants have not responded to the motion, and although the plaintiff filed a Motion to Strike the Motion for Leave to File Cross Claims, (filing no. [87](#)), he has now filed a motion to withdraw the motion to strike. Filing No. [91](#). Accordingly, defendant Archer-Daniels-Midland's motion to file an amended answer and cross claims against Jacobs is deemed unopposed. Accordingly,

IT IS ORDERED:

- 1) The plaintiff's motion to withdraw, (filing no. [91](#)), is granted, and the plaintiff's Motion to Strike the Motion for Leave to File Cross Claims, (filing no. [87](#)), is denied as moot.

- 2) Defendant Archer-Daniels-Midland Company's motion to file an Amended Answer to Second Amended Complaint and Cross Claims, (filing no. [81](#)), is granted.
- 3) On or before November 20, 2009, defendant Archer-Daniels-Midland Company shall file its Amended Answer to Second Amended Complaint and Cross Claims, a copy of which is attached to its motion.

DATED this 16th day of November, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge